

9/3/2019
9/13/2019

106-O-19

AN ORDINANCE

**Granting a Special Use Permit for a Domestic Animal Daycare Center
and Kennel Located at 1245 Hartrey Avenue in the I2 General
Industrial District**

WHEREAS, the Zoning Board of Appeals (“ZBA”) met on August 27, 2019, pursuant to proper notice, to consider case no. 19ZMJV-0070, an application filed by Becky Trisko and Meaghan Tower (the “Applicants”), potential lessee of the property legally described in Exhibit A, attached hereto and incorporated herein by reference, commonly known as 1245 Hartrey Avenue (the “Subject Property”) and located in the I2 General Industrial District, for a Special Use Permit to establish, pursuant to Subsection 6-14-3-3 of the Evanston City Code, 2012, as amended (“the Zoning Ordinance”), a daycare center—domestic animal and kennel, on the Subject Property; and

WHEREAS, the ZBA, after hearing testimony and receiving other evidence, made a written record and written findings that the application for a Special Use Permit for a daycare center—domestic animal and kennel met the standards for Special Uses in Section 6-3-5-10 of the Zoning Ordinance and recommended City Council approval thereof; and

WHEREAS, at its meeting of September 23, 2019, the Planning and Development Committee of the City Council (“P&D Committee”) considered the ZBA’s record and findings and recommended the City Council accept the ZBA’s recommendation and approve the application in case no. 19ZMJV-0070; and

WHEREAS, at its meetings on September 23, 2019, and October 14, 2019, the City Council considered and adopted the respective records, findings, and recommendations of the ZBA and P&D Committee, as amended,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EVANSTON, COOK COUNTY, ILLINOIS, THAT:

SECTION 1: The foregoing recitals are found as fact and incorporated herein by reference.

SECTION 2: The City Council hereby approves the Special Use Permit for a daycare center—domestic animal and kennel on the Subject Property as applied for in case no. 19ZMJV-0070.

SECTION 3: Pursuant to Subsection 6-3-5-12 of the Zoning Ordinance, the City Council hereby imposes the following conditions on the Applicants' Special Use Permit, violation of any of which shall constitute grounds for penalties or revocation of said Permit pursuant to Subsections 6-3-5 of the Zoning Ordinance:

- A. Compliance with Applicable Requirements:** The Applicants shall develop and use the Subject Property in substantial compliance with: all applicable legislation; the Applicants' testimony and representations to the ZBA, the P&D Committee, and the City Council; and the approved plans and documents on file in this case.
- B. Soundproofing:** The Applicants shall install soundproofing materials in the building in substantial compliance with the documents presented at ZBA and the testimony on record.
- C. Recordation:** Before it may operate the Special Use authorized by the terms of this ordinance, the Applicants shall record, at its cost, a certified copy of this ordinance with the Cook County Recorder of Deeds.

SECTION 4: When necessary to effectuate the terms, conditions, and purposes of this ordinance, "Applicants" shall be read as "Applicants' agents, assigns, and successors in interest."

SECTION 5: This ordinance shall be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: If any provision of this ordinance or application thereof to any person or circumstance is ruled unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this ordinance that can be given effect without the invalid application or provision, and each invalid provision or invalid application of this ordinance is severable.

SECTION 8: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

Introduced: September 23, 2019

Adopted: October 14, 2019

Approved:

November 4, 2019

Stephen H. Hagerty
Stephen H. Hagerty, Mayor

Attest:

Eduardo Gomez
Devon Reid, City Clerk
Eduardo Gomez, Deputy City Clerk

Approved as to form:

Michelle L. Masoncup
Michelle L. Masoncup, Corporation
Counsel

EXHIBIT A**LEGAL DESCRIPTION**

LOTS 1,2,3 AND THE NORTH HALF OF LOT 4; LOT 23 (EXCEPT THE SOUTH 7 FEET THEREOF) AND ALL OF LOT 24 TOGETHER WITH THE VACATED ALLEY LYING BETWEEN SAID LOTS 1,2,3 AND LOTS 22, 23, AND 24; ALSO VACATED CRAIN STREET LYING NORTH OF AND ADJOINING SAID LOTS 1 AND 24; AND ALL OF VACATED GREY AVENUE LYING EAST OF AND ADJOINING SAID LOTS 1,2,3 AND THE NORTH 1/2 OF LOT 4 AND LYING WESTERLY OF THE RIGHT OF WAY OF THE CHICAGO AND NORTHWESTERN RAILWAY, ALL IN BLOCK 2 OF GROVER AND PITNER'S ADDITION TO EVANSTON, A SUBDIVISION OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 24, TOWNSHIP 41 NORTH, RANGE 13 EAST OF THE THIRD PRINCIPAL MERIDIAN IN CITY OF EVANSTON, COOK COUNTY, ILLINOIS.

PINS: 10-24-103-001-0000

COMMONLY KNOWN AS: 1245 Hartrey Avenue, Evanston, Illinois.